use tax due for payments and accruals upon each transaction request received and transmitting the tax due and the total amount of the transaction to the subscriber layer.

Claim 16 (previously presented) The system set forth in claim 15 wherein the subscriber layer has at least one subscriber server for hosting a virtual portal with at least one application for providing the services to subscribers.

Claim 17 (previously presented) The system set forth in claim 15 wherein the interactive communications network layer has at least one device for protecting the system from entry of unwanted data during data transfer from the subscriber layer through the network layer.

Claim 18 (currently amended) The system set forth in claim 15 wherein the applications layer includes programming for interpreting transaction requests or messages entering the system and invoking Web-based services[, a database layer].

REMARKS

Reconsideration of this Application is respectfully requested. Claims 1 and 18 are amended. Claims 5, 8 and 10 are cancelled, without prejudice or disclaimer. Claims 1-18 are in this case.

The Examiner rejected claim 1 under 35 U.S.C. § 102(e) as being anticipated by Ginter et al. According to the Examiner, Ginter et al. teach a distributed commerce utility. Ginter et al., the Examiner continues, also teach within this utility appliance a

protected processing environment that provides a highly secure, trusted environment in which electronic processes and transactions can be reliably performed without significant danger of tampering or other compromise (i.e., a *1st security function*). In this connection, the Examiner cites, e.g., to column 17, lines 1-30. The Examiner asserts, in addition, that Ginter et al. disclose a Certifying Authority which issues digital certificates that certify particular facts. In other words, the Examiner explains, they are used to control access to a system based on a user ID (i.e., a *2nd security function*). The Examiner then references, e.g., column 29, line 60 – column 30, line 52.

Next, the Examiner takes the position that Ginter et al. teach a transaction authority, the Examiner referring, e.g., to column 31, line 54. The transaction authority, says the Examiner, monitors the status of an electronic transaction and/or process and maintains a secure, reliable record of what has happened and what still needs to happen. The Examiner believes that by doing this, the transaction authority is essentially monitoring the availability of internal support processes and, therefore, represents a *system availability function*. The Examiner additionally believes that Ginter et al. disclose the transaction authority providing electronic notification, thereby representing a *notification function*. The Examiner cites, in this regard, column 32, lines 20-50.

Furthermore, the Examiner states that Ginter et al. teach a virtual distributed environment administration service. This service, the Examiner continues, ensures that the network operates securely, smoothly and efficiently. The Examiner explains that, to this end, the VDE administration service may manage cryptographic keys used for electronic security throughout the network (i.e., a *secure access function*). The Examiner references, e.g., column 33, lines 5-25.

Thereafter, the Examiner indicates that Ginter et al. (starting at column 35, line 19) set forth Commerce Utility system descriptors that contain (track) information about the Commerce Utility system that may be used to identify such a system and its capabilities. He explains that these systems are implemented using object oriented programming techniques. The Examiner then asserts that this system corresponds to Applicants' *system utility function* in that it can track login/logout, object creating, deleting, editing and rule based changes to the system.

The Examiner further takes the position that Ginter et al. teach a commerce utility support services layer, which provides increased efficiency for large numbers of transactions. Such utility support services, says the Examiner, include load balancing and database bridging (citing, e.g., column 37, lines 34-44). The Examiner concludes that this represents a *system load and balancing function.*

Also, according to the Examiner, Ginter et al. (e.g., at column 13, lines 29-31) disclose a system allowing third party archiving and/or authenticating of transactions and/or transaction information for secure backup and non-repudiation. The Examiner determines that this represents a *system backup and recovery function.*

Finally, the Examiner finds that Ginter et al. teach a Usage Clearinghouse starting at column 28, line 15. He explains that the Usage Clearinghouse receives usage information, analyzes the usage information and provides reports based on the analysis it performs. The Examiner concludes, this represents Applicants' *operating system function.*

The Examiner indicates that Applicants' arguments filed on May 28, 2004 have been fully considered but are not deemed persuasive. He explains that Ginter et al. specifically teach that the present inventions provide an integrated, modular array of admini-

strative support services for electronic commerce and transaction management (at column 4, lines 63-66). In addition, the Examiner argues that Ginter et al. teach in numerous locations use of the present invention for calculating and paying various taxes to government authorities (citing column 22, lines 15-25, column 35, lines 55-60, column 46, lines 30-35 and column 49, lines 50-53).

* * * * *

Applicant, however, respectfully disagrees and provides the following clarifications.

First, Applicants' multilayer architecture accommodates an intelligent program controlled system not only for ***sales and/or use tax calculations as provided by conventional software, but also sales and/or use tax calculations for payments and accruals***. While Applicants acknowledge Ginter et al.'s teachings of calculating and paying various taxes to government authorities, we respectfully submit that nowhere do Ginter et al. describe or suggest an intelligent system having multilayer architecture for calculating sales and/or use tax for payments and accruals. In this connection, Applicants respectfully state that their provision of such a function for calculation of sales and/or use tax for payments and accruals is found nowhere in the prior art (such function being set forth in co-pending Application Serial No. 09/995,318, entitled INTELLIGENT APPARATUS, SYSTEM AND METHOD FOR FINANCIAL DATA COMPUTATION AND ANALYSIS, the disclosure of which is incorporated by reference in the captioned Application [on page 29, lines 6-13]).

Further in this connection, Applicants' invention, unlike Ginter et al., allows tax collection, tax payment, and filing of tax returns to be done generally automatically for

any party, ***including merchants (i.e., calculation of sales and/or use tax for payments and accruals)*** and other taxpayers, who use the system or subscribe to a service operating over the same.

In addition, Ginter et al. does not disclose or suggest Applicants' ***system with modular programming, or a multilayer architecture incorporating a modular programming infrastructure*** for providing operations relating to transaction tax data computation, report remittance and funds transfer services between a subscriber and a government authority over an interactive communications network. This feature facilitates the use of relatively low cost, free public domain, CTOS Web technologies, open source and other Internet industry standard software and, we submit, is not set forth by Ginter et al.

* * * * *

By the present Amendment, Applicants have amended claim 1 to include the limitations of dependent claim 10 (i.e., that the "tax computation module, upon receiving the transaction request from the service provider system, calculates sales and/or use tax due for payments and accruals, and transmits a selected reply to the subscriber server that includes the tax due and the total amount of the transaction"), as well as those of intervening claims 5 and 8. Claims 5, 8 and 10 are cancelled, accordingly, without prejudice or disclaimer. In this connection, Applicants respectfully note that independent claims 11 and 15, which are not amended herein, similarly recite a "financial link layer including a tax computation module for calculating sales and/or use tax due for payments and accruals upon each transaction request received and transmitting the tax due and the total amount of the transaction to the subscriber layer". As an aside, claim 18 is amended voluntarily to delete ", a data-base layer" as superfluous language.

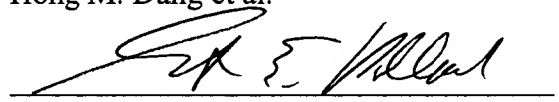
* * * * *

Hence, Ginter et al., we respectfully submit, neither disclose nor suggest Applicants' invention, as claimed. Withdrawal of the Examiner's rejection under § 102(e) is, therefore, respectfully requested.

Applicants have made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention prior to allowance, the Examiner is asked to contact Applicants' counsel at (646) 265-1468. Please charge any additional fees that may be required to Deposit Account No. 08-2025.

Respectfully submitted,

Hong M. Dang et al.

By: 

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